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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
Against:

13 **DONNA J. KERZAN,**
14 **a.k.a. DONNA JO KERZAN,**
15 **a.k.a. DONNA J. SKURAT,**
a.k.a. DONNA J. PRIOR,
a.k.a. DONNA J. MERRICK

16 Applicant for Registered Nurse License

17 Respondent.

Case No. *2013-448*

STATEMENT OF ISSUES

18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complaint brings this Statement of Issues solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about August 16, 2011, the Board received an Application for Licensure by
24 Endorsement from Donna J. Kerzan, also known as Donna Jo Kerzan, Donna J. Skurat, Donna J.
25 Prior, and Donna J. Merrick, ("Respondent"). On or about August 4, 2011, Respondent certified
26 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
27 application. The Board denied the application on November 21, 2011.
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1 (f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the record of
3 the conviction shall be conclusive evidence thereof.

4 8. Code section 2762 states, in pertinent part:

5 In addition to other acts constituting unprofessional conduct within the meaning
6 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
7 licensed under this chapter to do any of the following:

8 (b) Use any controlled substance as defined in Division 10 (commencing with
9 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
10 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
11 dangerous or injurious to himself or herself, any other person, or the public or to the
12 extent that such use impairs his or her ability to conduct with safety to the public the
13 practice authorized by his or her license.

14 (c) Be convicted of a criminal offense involving the prescription, consumption,
15 or self-administration of any of the substances described in subdivisions (a) and (b) of
16 this section, or the possession of, or falsification of a record pertaining to, the
17 substances described in subdivision (a) of this section, in which event the record of
18 the conviction is conclusive evidence thereof.

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 **(Conviction of Crimes)**

21 9. Respondent's application is subject to denial under Code section 480, subdivision
22 (a)(1), in that she was convicted of the following crimes that are substantially related to the
23 qualifications, functions or duties of a registered nurse:

24 a. On or about January 16, 2003, in the case titled *State of Arizona v. Donna Jo*
25 *Kerzan*, (Muni. Ct. Maricopa County, 2001, Case No. 2581102), Respondent was convicted by
26 the Court on her plea of guilty of violating A.R.S.¹ section 28-1381A1 [driving or actual physical
27 control of a vehicle while under the influence of intoxicating liquor], a misdemeanor. The
28 circumstances of the crime were that on or about November 2, 2001, Respondent drove a vehicle
with a blood alcohol level of .20%.

b. On or about October 24, 2005, in the case titled *State of Arizona v. Donna J.*
Kerzan, (Justice Ct. Pima County, 2005, Case No. TR05-025684), Respondent was convicted by
the Court on her plea of guilty to violating A.R.S. section 28-1382A [driving while under the
extreme influence of intoxicating liquor with an alcohol concentration of 0.15% or more], a

¹ Arizona Revised Statutes

1 misdemeanor. The circumstances of the crime were that on or about July 26, 2004, Respondent
2 drove a vehicle with a blood alcohol level of .22%.

3 c. On or about May 3, 2005, in the case titled *State of Arizona v. Donna Jo*
4 *Kerzan*, (Justice Ct. Pima County, 2005, Case No. TR05-004384-D), Respondent was convicted
5 by the Court on her plea of guilty to violating A.R.S. section 28-1382A [driving while under the
6 extreme influence of intoxicating liquor with an alcohol concentration of 0.15% or more], a
7 misdemeanor. The circumstances of the crime were that on or about January 11, 2005,
8 Respondent drove a vehicle with a blood alcohol level of .22%.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Knowingly Made False Statement on Application)**

11 10. Respondent's application is subject to denial under Code section 480, subdivision (c),
12 in that on or about August 4, 2011, she knowingly made a false statement of fact required to be
13 revealed in the application for licensure, in that Respondent failed to disclose the convictions set
14 forth in paragraph 9, above, when she answered "No" to the following question:

15 Have you ever been convicted of **any** offense other than minor traffic
16 violations? If yes, explain fully as described in the applicant instructions.
17 Convictions must be reported even if they have been adjudicated, dismissed
18 or expunged or if a diversion program has been completed under the Penal
19 Code or Article 5 of the Vehicle Code. Traffic violations involving driving
under the influence, injury to persons or providing false information must be
reported. The definition of conviction includes a plea of nolo contendere (no
contest), as well as pleas or verdicts of guilty. **YOU MUST INCLUDE**
MISDEMEANOR AS WELL AS FELONY CONVICTIONS.

20 The truth is Respondent was convicted of crimes, as more particularly set forth above in
21 paragraph 9.

22 **THIRD CAUSE FOR DENIAL OF APPLICATION**

23 **(Dishonesty, Fraud or Deceit)**

24 11. Respondent's application is subject to denial under Code section 480, subdivision
25 (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to
26 substantially benefit herself, as more particularly set forth in paragraph 10, above.

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1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Committed Acts Which If Done By A Licentiate)**

3 12. Respondent's application is subject to denial under Code section 480, subdivision
4 (a)(3)(A), in that she committed acts that are substantially related to the qualifications, functions,
5 or duties of the registered nurse profession which if done by a licentiate of the profession would
6 constitute grounds for discipline as follows:

7 a. Under Code section 2761, subdivision (f), in that Respondent was convicted of
8 crimes substantially related to the qualifications, functions or duties of a license holder, as set
9 forth in paragraph 9, above;

10 b. Under Code section 2762, subdivision (b), in that Respondent was convicted of
11 a crime involving the consumption of alcohol beverages, as set forth in paragraph 9, above; and

12 c. Under Code section 2762, subdivision (c), in that Respondent used alcoholic
13 beverages to an extent or in a manner dangerous or injurious to herself and the public, as set forth
14 in paragraph 9, above.

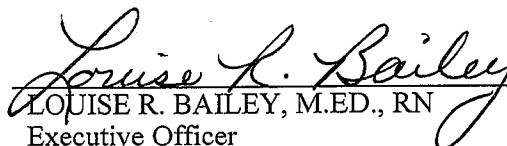
15 **PRAYER**

16 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Denying the application of Donna J. Kerzan, also known as Donna Jo Kerzan, Donna
19 J. Skurat, Donna J. Prior, and Donna J. Merrick for a Registered Nurse License; and,

20 2. Taking such other and further action as deemed necessary and proper.

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22 DATED: December 4, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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